

WMLCrRLJ 4.1
ARRAIGNMENT

(e) (i) The defendant's personal presence is mandatory when the charging document states that one or more of the charges involves DUI or domestic violence. This requirement shall not be waived.

(f) Deferred Prosecution. A petition for Deferred Prosecution and Order Deferring Prosecution may be considered by the court if it meets the statutory requirements.

(1) Defendant must include the cause/citation number for each Petition for Deferred Prosecution and proposed Order Deferring Prosecution for on which Deferred Prosecution is sought.

(2) Defendant must file copies of all offense reports and related materials, including, but not limited to, breath test printouts, blood test results, abstracts of the defendant's driving record, evaluation and treatment plan at the time the Petition and Order for Deferred Prosecution are filed. Defendant must file a sufficient number of copies of the aforementioned documents for the court file of each cause/citation number, probation and treating agency. Defendant shall also provide copies of the Petition, proposed Order, evaluation and proposed treatment agency. Defendant shall also provide copies of the Petition, proposed Order, evaluation and proposed treatment plan for review by the Prosecuting Authority.

(3) In addition to the statutory conditions and requirements of deferred prosecution, each defendant shall pay the monitoring assessment to the Municipal Court in the amount of \$150 plus any other costs related to the case, All defendants placed on a deferred prosecution will also be placed on five-year probation: Active Supervised Probation for two years and Monitored Probation for three years, They will be required to pay the fees for Probation. Restitution is required as a condition of a deferred prosecution if applicable. Deferred Prosecution defendants will have ignition interlock installed on all person vehicles, which they drive, during their period of Active Supervised Probation. An order will not enter without the written signed contract for treatment being presented to the Court.
